From: Steven Donziger [sdonziger@yahoo.com]
Sent: Thursday, February 09, 2006 9:24 PM

To: Alej andro Ponce Villacis

Subject: ide a

alejandro -- why don't you talk to the judge tomorrow? one on one, and explain the theory of the case, [the whole thing] from our point of view. if you can't do it tomorrow, we'll do it low profile in quito. maybe we can go together, just you and me. what do you think? srd

Alejandro Ponce Villacís <aponce@uio.satnet.net> wrote:

The way we're appointing experts is valid. I don't understand the reasoning behind Dr. Guerra's comments.

Alejandro

---- Original Message -----From: Alberto Wray

To: pafam@ecuanex.net.ec

Cc: aponcev@uio.satnet.net; sdonziger@yahoo.com; toxico@ecuanex.net.ec

Sent: Thursday, February 09, 2006 1:50 PM

Subject: RE: QUESTION

It's nonsense. A. Wray

CC: "ALEJANDRO PONCE" <aponcev@uio.satnet.net>, "STEVEN DONZIGER" <sdonziger@yahoo.com>, "LUIS YANZA"

<toxico@ecuanex.net.ec> Subject: QUESTION

Date: Thu, 9 Feb 2006 10:34:42 -0500

Dear Sirs:

On Tuesday, February 5, while I was filing some documents at Court, I heard Dr. Alberto Guerra Bastidas make a strong remark against the judges: Efraín Novillo (former President [of the Court]) and German Yánez (current President) in connection with the case.

Alberto Guerra said: "the proceedings are null due to the appointment of the experts.["] He does not understand how our attorneys allowed the procedural rules to be violated when the experts were appointed. He says that we are appointing experts the wrong way. And as a result of this error, the proceedings, from the start of the judicial inspections up to now, are null.

To be honest, I have little to no experience in this kind of thing but it does worry me a little. That is why I'm writing you, and I would also like to ask you to thoroughly analyze whether what Dr. Guerra says about the proceedings we're using to conduct the inspections, about [whether] the appointment of the experts is proper, does or does not apply to our procedural system.

The worst thing that could happen is to run into trouble at the end of the case because of a mistake like this. Of course if there was a mistake like this, then the judge(s) who allowed it to happen would be responsible, but that would cost us a huge amount of time.

I await your wise comments, to be able to decide whether we allow things to continue as is or whether we change the process.

Pablo Fajardo Mendoza

Steven Donziger 212-570-4499 (land) 212-570-9944 (Fax) 917-566-2526 (cell)

Steven R. Donziger

Law Of of Steven R. Donziger, P.C.

New York, New York 10021 Email: sdonziger@yahoo.com

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<u>Certificate of Accuracy</u> Certificado de Exactitud

This is to certify that the attached translation is, to the best of our knowledge and belief, a true and accurate translation from Spanish into English of the attached document. Por el presente certifico que la traducción adjunta es, según mi leal saber y entender, traducción fiel y completa del idioma español al idioma inglés del documento adjunto.

Weikwang Ng (Jason)
Project Manager – Legal Translations
Merrill Brink International/Merrill Corporation

[firmado]
Weikwang Ng (Jason)
Gerente de Proyecto – Traducciones Legales
Merrill Brink International/Merrill Corporation

Dated: January 30, 2011

| Sworn to a | and signed b | efore | |
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| Jurado y firmado ante | | | |
| Me, this _ | 30 th | day of | |
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| Notary Public | | | |
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GINA ST LAURENT

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Notary Public, State of New York [sello]

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Commission Expires May 15, 2014

From: Steven Donziger [sdonziger@yahoo.com] Sent: Thursday, February 09, 2006 9:24 PM

Alejandro Ponce Villacís To:

Subject: idea

alejandro -- por que no hable con el juez manana, uno a uno, explicandole la teoria del caso, todos los asuntos de nuestra perspectiva, si no se puede manana, lo hacemos con bajo perfil en quito, quizas vamos conjunto, solamente vos y yo. como te parece? srd

Alejandro Ponce Villacís <aponcev@uio.satnet.net> wrote:

La forma de designación de peritos es lícita. No entiendo la razón del comentario del Dr. Guerra.

Alejandro

---- Original Message -----

From: Alberto Wray

To: pafam@ecuanex.net.ec

Cc: aponcev@uio.satnet.net; sdonziger@yahoo.com; toxico@ecuanex.net.ec

Sent: Thursday, February 09, 2006 1:50 PM

Subject: RE: CONSULTA

Es una estupidez.

A.Wray

From: "PABLO FAJARDO" < pafam@ecuanex.net.ec>

To: "ALBERTO WRAY" <a wraye1@msn.com>

CC: "ALEJANDRO PONCE" <aponcev@uio.satnet.net>, "STEVEN DONZIGER" <sdonziger@yahoo.com>, "LUIS YANZA"

<toxico@ecuanex.net.ec> Subject: CONSULTA

Date: Thu, 9 Feb 2006 10:34:42 -0500

Estimados Doctores:

El día martes 7 de febrero, mientras entregada unos escritos en la Corte, escuche un comentario fuerte del Dr. Alberto Guerra Bastidas, en contra de los Doctores: Efraín Novillo (ex Presidente) y German Yánez, (actual Presidente) respecto a nuestro juicio.

El Dr. Alberto Guerra dice: "que el proceso es nulo, por la designación de los Peritos. Que no entiende como nuestros abogados permitieron que se violen las normas procesales, para la designación de los Peritos. Según él, la forma en la cual estamos procediendo en la designación de los Peritos no es la correcta. Que por este error, el proceso desde el inicio de las inspecciones Judiciales para acá, es nulo.

En realidad tengo muy poca o nada experiencia en este tipo de hechos, sin embargo si me preocupa un poco. Es por eso que consulto a ustedes y de paso les solicito que se analice profundamente si lo que dice Dr. Guerra sobre el procedimiento con el cual estamos evacuando las inspecciones, sobre la designación de Peritos es la correcta, es o no aplicable en nuestro sistema procesal o no.

Lo peor sería que tengamos inconvenientes al final del proceso, por errores de esta naturaleza. Claro que si existen errores de esta naturaleza serían a costa del o los jueces que permitieron estos hechos, pero eso nos afectaría enormemente por el tiempo.

Espero sus sensatos comentarios, para poder decidir si permitimos continuar como estamos o a su vez enmendamos el proceso.

Pablo Fajardo Mendoza

Steven Donziger 212-570-4499 (land) 212-570-9944 (Fax) 917-566-2526 (cell)

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